

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:15-CR-143-FL-1

UNITED STATES OF AMERICA)
)
 v.)
)
GUSTAVO ADOLFO RAMOS LEMUS,)
)
 Defendant.)

ORDER

This matter came before the court October 16, 2018, for a hearing to determine whether Defendant Gustavo Adolfo Ramos Lemus (“Defendant”) is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, in accordance with 18 U.S.C. §§ 4241 and 4247(d).

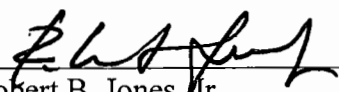
At the hearing the government was represented by Assistant United States Attorney Sebastian Kielmanovich and Defendant, who was present in the courtroom, was represented by James Ross. The court advised Defendant of his rights under 18 U.S.C. § 4247(d). For purposes of the hearing, the court and the parties referred to the following, which have been filed with the Clerk: (1) Certificate of Restoration of Competency to Stand Trial, made pursuant to 18 U.S.C. § 4241(e) and (2) Forensic Evaluation, dated August 3, 2018, which was prepared by R. Koch, Psy. D., a Forensic Psychologist in the Mental Health Department at the Federal Medical Center, Butner, North Carolina (“FMC-Butner”). The Forensic Evaluation has been filed under seal, was provided to counsel, and defense counsel discussed its findings with Defendant prior to the hearing.

According to the Forensic Evaluation, although Defendant is currently suffering from schizophrenia and borderline intellectual functioning, these conditions do not render him

incompetent to stand trial at this time. It is noted that Defendant's schizophrenia is in partial remission, which enables him to remain focused and maintain organized thoughts. Defendant does not appear to be experiencing any symptoms that impact his factual and rational understanding of the proceedings against him or the ability to assist in his defense. He may, however, require simplistic language and repetition, but appears motivated to follow discussion, ask questions and engage rationally. According to the Forensic Evaluation, Defendant's competency level is impacted by his medication compliance and close monitoring, both of which are recommended to continue. Neither party disputed the findings and conclusions of the Forensic Evaluation and neither party presented any further evidence.

After consideration of the position of the parties, the court finds by a preponderance of the evidence that Defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense. 18 U.S.C. § 4241(e). Accordingly, Defendant is hereby DISCHARGED from FMC-Butner and the Clerk is DIRECTED to set this case for further proceedings.

So ordered, the 16th day of October 2018.


Robert B. Jones, Jr.
United States Magistrate Judge